

No. 13-56121

In The United States Court Of Appeals
For The Ninth Circuit

IN RE NYOKA LEE, AND TALALA MSHUJA,
Appellants,

v.

CORINTHIAN COLLEGES, INC., DAVID MOORE,
JACK MASSIMINO, AND ERNST & YOUNG LLP,
Appellees.

SCOTT D. LEVY; SCOTT D. LEVY & ASSOCIATES P.C.
Real Parties in Interest.

On Appeal from the United States District Court
for the Central District of California

DECLARATION OF SCOTT D. LEVY

**IN SUPPORT OF
EMERGENCY MOTION
TO STAY EXECUTION OF JUDGEMENT AGAINST COUNSEL
SCOTT D. LEVY, AND SCOTT D. LEVY & ASSOCIATES P.C.
UNDER FED. R. APP. P. 8, AND APPENDIX**

I, Scott D. Levy, hereby declare:

1. I am an attorney serving as counsel of record for Relators Talala Mshuja and Nyoka Lee. I am duly admitted to practice in the State of Texas and before this Court in the above-captioned matter. I have personal knowledge of the matters set forth herein and if called upon to do so, I could and would testify competently thereto under oath.

2. I make this declaration in support of emergency motion for stay of execution of judgment for sanctions in the amount of approximately \$1.5 million filed by Scott D. Levy and Scott D. Levy & Associates P.C.

3. Attached hereto as Exhibit 2 is a true and correct copy of the opinion of the U.S. Court of Appeals for the Seventh Circuit entered this week on Monday, July 8, 2013, in the case *United States ex rel. Leveski v. ITT Educational Services, Inc.* reversing the award of sanctions against Relators' counsel, and reversing the dismissal of the case based on the public disclosure bar of the False Claims Act.

4. I have insufficient resources to post a bond in an amount necessary to secure the judgment of approximately \$1.5 million.

5. I am president of Scott D. Levy & Associates P.C. Scott D. Levy & Associate P.C. has insufficient resources to post a bond in an amount necessary to secure the judgment of approximately \$1.5 million.

6. If the Court should require, I am willing to file a copy of my personal federal tax returns for the last five years *in camera*. I am also willing to disclose my assets and liabilities to the Court *in camera* should the Court require further evidence of my current financial condition and inability to post a bond sufficient to secure the \$1.5 million judgment. I am willing to file the federal tax returns of Scott D. Levy & Associates P.C. for the 2012 tax year *in camera*, and to disclose the assets and liabilities of this entity *in camera* should the Court so require to establish that Scott D. Levy & Associates P.C. is unable to post a bond sufficient to secure the \$1.5 million judgment.

I declare under of perjury under the laws of the United States and the State of Texas that the foregoing is true and correct.

Executed on July 11, 2013, at Houston, Texas.

/s/ Scott D. Levy
Scott D. Levy